

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ARMANDO REYES	§	
	§	
VS.	§	CIVIL ACTION NO. G-05-487
	§	
JOHN E. POTTER,	§	
Postmaster General U.S. Postal Service	§	


OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge which recommends that the Motion to Dismiss of Defendant John E. Potter, Postmaster General of the United States Postal Service, be granted and that the Title VII Complaint of Plaintiff, Armando Reyes, be dismissed for lack of jurisdiction. Reyes has filed objections, however, the objections do not address the basis of the Report and Recommendation: that Potter has never been properly served with process.

Upon *de novo* review, pursuant to 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a correct application of law to the facts of this case and that this Court has no personal jurisdiction over Defendant John E. Potter. The Report and Recommendation is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

It is, therefore, the **ORDER** of this Court that the Motion to Dismiss (Instrument no. 12) of Defendant John E. Potter is **GRANTED** and that the Complaint of Plaintiff, Armando Reyes, is **DISMISSED, without prejudice, for lack of jurisdiction.**

DONE at Galveston, Texas, this 21st day of March, 2006.



Samuel B. Kent
United States District Judge